

**Enrolled Minutes of the Sixty-Third Regular Meeting
Of the Twenty-Sixth Highland Town Council
Monday, August 16, 2010**

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, August 16, 2010 at 6:40 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Dan Vassar, Konnie Kuiper and Brian Novak were present. Councilor Mark Herak was absent owing to delay from the South Shore. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed the policy of limiting domestic pets in home. Some examples of special animals were discussed particularly whether or not some exceptions should be allowed.
3. The Town Council and the Clerk-Treasurer discussed the possible interest rate and the tenure (term) that may be desirable for the waived assessments associated with the Idlewild Drive General Improvement District.

The Town Council President arrived at 6:55 p.m.

The study session ended at 6:58 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, August 16, 2010 at 7:00 O'clock p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Mark A. Herak presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings.

The session was opened with the Town Council President Mark A. Herak leading the pledge of allegiance to the United States Flag and offering a prayer.

Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Konnie Kuiper and Brian Novak were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; Alex M. Brown, CPRP, and Cecile Petro, Redevelopment Director were also present.

Also present: Lisa Gauthier of the Community Events Commission was present.

Minutes of the Previous Session

The minutes of the regular meeting of 02 August 2010 were approved by general consent.

Special Orders:

1. **Public Hearing.** Considering remonstrances against the amounts set forth in the Preliminary Determination of Assessments by the Town Council associated with a project to improve the 2000-2100 blocks of Ridgewood Avenue to be known as the **Idlewild Avenue Reconstruction Project** financing the cost of these improvements through the Municipal General Improvement Fund. (Works Board Order No. 2010-34)
 - (a) Verification of Proofs of Publication. (IC 5-3-1;IC 36-9-17) (TIMES 06 August 2010) The Town Attorney indicated that the proofs of publication were in compliance with IC 5-3-1.
 - (b) **Open Public Hearing.** *Public Hearing Issue:* Whether the lots or tracts of land have been or will be benefited by the Improvements in the amount set forth in the Assessment Roll, such greater or lesser amount, or any amount at all. The Town Council President called the hearing to order.
 1. John Slamkowski, D.D.S., 8742 Idlewild Drive, Highland, inquired about the timing of the project and sought clarification regarding in what cases were properties also assessed for sidewalks. He further inquired whether or not all sidewalks were to be replaced.
 2. Marjorie Reed, 2100 Kennilworth, Highland, inquired about construction details related to her access to her home driveway. Ms. Reed favored work that would minimize her ability to access her garage for her car.
 3. Keith Webber, 8830 Idlewild Drive, Highland, inquired whether or not the project would include storm drains and water lines and further inquired about manner of driveway apron design.
 4. Chuck Boender, 8801 Idlewild Drive, Highland, inquired as to financing that may be available for the project by the Town that would complicate the progress of the project. This was not a reference to the assessments process.

There being no further comments, the hearing was closed.

- (c) Consideration of **Confirmatory Works Board Order No. 2010-38:** An Order Confirming the Special Municipal General Improvement Fund Special Assessment Rolls for Property Owners Benefiting from the Idlewild Avenue Reconstruction Project. (Interest and years)

Councilor Zemen moved the passage and adoption of Works Board Order No. 2010-38, and noted that for waived assessments, the term should be 4 years and the rate of interest should be 7%. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The works board order was adopted.

TOWN OF HIGHLAND WORKS BOARD ORDER NO. 2010-38

AN ORDER CONFIRMING THE SPECIAL MUNICIPAL GENERAL IMPROVEMENT FUND SPECIAL ASSESSMENT ROLLS FOR PROPERTY OWNERS BENEFITING FROM THE IDLEWILD AVENUE RECONSTRUCTION PROJECT

WHEREAS, On August 2, 2010, the Town Council of the Town of Highland, Indiana, adopted Order of the Works Board No. 2010-34 entitled "A PRELIMINARY ORDER ADOPTING AND APPROVING MUNICIPAL GENERAL IMPROVEMENT FUND SPECIAL ASSESSMENT ROLLS FOR PROPERTY OWNERS BENEFITING FROM THE IDLEWILD DRIVE RECONSTRUCTION PROJECT", a copy is attached hereto as Exhibit "A"; and

WHEREAS, The Town Council has held a public hearing, after publication of notice as required by law, and has received and heard all remonstrance from owners of property described in the notice regarding Works Board Order No. 2010-34; and

WHEREAS, The Town Council now desires to confirm Works Board Order No. 2010-34.

NOW, THEREFORE, Be it resolved by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby confirms Resolution No. 2010-34;

Section 2. That the Town Council hereby sustains the presumptive assessments a indicated on the Assessment Roll by confirming the presumptive assessment against each of the properties described in the Assessment Roll, which confirmation is based upon this Town Council's findings concerning the special benefits that each property has received or will receive on account of the Improvements (as defined in Works Board Order No. 2010-34);

Section 3. That the Town Council hereby directs that the Assessment Roll be delivered to the Clerk Treasurer, and that upon completion of the Improvements, the final Assessment Roll for the Improvements be delivered to the Clerk Treasurer for notification to each affected person and collection of the special assessments;

Section 4. That the Town Council hereby determines that owners of properties described in the Assessment Roll may pay such assessments in annual installments over a period of 4 years, with interest accruing on such unpaid portions at an interest rate of 7% per annum, and also approves the substantially final form of Waiver Agreement attached hereto as Exhibit "B", to be entered into by the Town and each owner of property desiring to pay the assessments in annual installments.

Be it So Ordered.

Duly adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 16th day of August 13, 2010, by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF
HIGHLAND, INDIANA**

Mark Herak, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer

EXHIBIT on file:

2. **Executive Proclamation:** A Proclamation in Recognition of U.S. Constitution Week September 17-23, 2010 in the Town of Highland. The Clerk-Treasurer read aloud and the Town Council President then adopted the proclamation.

**TOWN OF HIGHLAND
PROCLAMATION OF the TOWN EXECUTIVE**

**A PROCLAMATION IN RECOGNITION OF U.S. CONSTITUTION WEEK
SEPTEMBER 17-23, 2010**

Whereas, The Constitution of the United States of America, the guardian of our liberties, is a product of reflection and choice, embodying the principles of limited government in a Republic dedicated to rule by law, not by men; and

Whereas, September 17, 2010 marks the two hundred twenty-third anniversary of the signing of the Constitution of the United States of America by the 1787 Constitutional Convention, led by George Washington, James Madison and Benjamin Franklin, brilliant men who created a new of government that became the standard for self-government to the world; and

Whereas, It is fitting and proper to accord official recognition to the anniversary of this magnificent document, the guardian of our liberties; and

Whereas, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States, designating September 17 through 23 as Constitution Week,

Now, Therefore, I, Mark A. Herak by virtue of the authority vested in me as President of the Town Council of the Town of Highland, Lake County, Indiana, now hereby proclaim the week September 17 through 23, 2010, as U.S. *Constitution Week* in the Town of Highland;